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August 8, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

Re: **Notice of Oral Ex Parte Presentation**
WT Docket No. 94-102; WT Docket No. 02-377

Dear Ms. Dortch:

On August 7, 2003, on behalf of the Rural Cellular Association ("RCA"), I met with Joel Taubenblatt, Eugenic Barton and Jennifer Tomchin of the Wireless Telecommunications Bureau, and discussed problems encountered by wireless carriers serving rural areas in the deployment of Phase II of E911 according to the timetables for compliance set out in the Commission's rules and in the Bureau's "Order to Stay" released July 26, 2002.. During the meeting there was discussion of how the deployment problems may be categorized for the purposes of any necessary petitions for waiver and extension of time to be filed by wireless carriers serving rural areas.


RCA explained that a September 1, 2003 deadline affecting Tier III wireless carriers may result in the filing of numerous waiver petitions prior to that date unless the Bureau or the Commission soon announces a general extension of time or other relief that renders petitions unnecessary. RCA provided the Bureau staff with the attached list of proposed "buckets" that would encompass typical deployment problems faced by rural wireless carriers. The proposed groupings are based upon RCA's recent survey of nearly 100 members that are rural wireless carriers and follow up discussions with its members.

During the meeting RCA observed that if wireless carriers need a waiver and extension, preparation of such petitions requires a considerable effort by carriers and their own counsel. That work should be underway already or be started very soon to allow for filing before September 1. Because the information expected to be included in petitions is carrier-specific, even if a carrier's implementation problems are within a category identified by RCA, it appears that individual waiver

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petitions are most the most appropriate vehicle by which to request relief. RCA requested that the Bureau consider the practicalities faced by carriers in seeking relief from the September 1 deadline and, if a general extension or other relief is under consideration, that an announcement to that effect be issued as soon as possible.

Very truly yours,



David L. Nace

cc: John Muleta
Joel Taubenblatt
Eugenie Barton
Jennifer Tomchin
Bryan Tramont

RURAL SYSTEM E-911 PHASE II PROBLEM CATEGORIES IDENTIFIED BY THE RURAL CELLULAR ASSOCIATION¹

- **CDMA Handset Availability Problems**

Many RCA members are having problems purchasing compliant CDMA handsets of the types end users are willing to purchase. For example, Nokia has exclusive contracts with Sprint and Verizon. It is hoped that availability issues will ease after January 1, 2004, however there may be a need for an extended deployment schedule for affected rural wireless carriers.

- **GSM Handset Unavailability**

There is no currently available GSM handset with Phase II capability. Qualcomm anticipates rolling out a GPS GSM handset in 2004. Rural GSM carriers choosing a handset solution will need an extended implementation schedule, however they may not need relief from the accuracy requirements.

- **CDMA Network Solution and GSM Network Solution**

Carriers planning network solutions using either CDMA or GSM should not be expected to meet a Phase II location accuracy standard that was devised for urban areas. Rural area carriers' systems are often designed using a "string of pearls" configuration making triangulation impossible. And rural carriers do not have the ability to average accuracy results between urban and rural areas in order to show compliance. Some may also have implementation issues that warrant an extended implementation schedule in addition to relaxation of the accuracy standards.

- **CDMA Network Solution with a Motorola Switch**

We have been informed that Motorola has not yet delivered a switch software upgrade that allows its switch to support Phase II network solutions. Carriers in this category need an implementation schedule consistent with vendor release of a working product.

- **TDMA Systems**

There is no handset solution for TDMA carriers. A requirement that carriers install network based location technology for use with legacy systems will delay carriers' network upgrades to CDMA and/or GSM.

¹ Information provided is compiled from a June 2003 survey of association members and follow up discussion with members.

- Analog Systems

There is no handset solution available or contemplated. A requirement that carriers install network based location technology for use with legacy systems will delay carriers' network upgrades to CDMA and/or GSM. Even if a rural carrier installs a CDMA or GSM overlay, the carrier should not be compelled to migrate analog customers onto the digital network against their will. While the FCC may want to require carriers to provide notices to customers informing them that their analog phones are not Phase II compliant, consumers should be permitted to decline the upgrade without penalty to the carrier.